



Reprinted
March 6, 2001

HOUSE BILL No. 2034

DIGEST OF HB 2034 (Updated March 5, 2001 5:51 PM - DI 98)

Citations Affected: IC 16-18; IC 16-19; IC 33-19.

Synopsis: Rape crisis centers. Establishes a sexual assault victims assistance fund to be administered by the office of women's health within the state department of health. Establishes a sexual assault victims assistance fee. Uses the revenue generated by the sexual assault victims assistance fee to fund the sexual assault victims assistance fund to provide assistance to rape crisis centers.

Effective: July 1, 2001.

Kruzan, Lawson L

January 17, 2001, read first time and referred to Committee on Human Affairs.
February 19, 2001, amended, reported — Do Pass.
March 5, 2001, read second time, amended, ordered engrossed.

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HB 2034—LS 7836/DI 103+



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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2034

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-307.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2001]: **Sec. 307.5. "Rape crisis center", for**
4 **purposes of IC 16-19-13-6, has the meaning set forth in**
5 **IC 16-19-13-6(a).**

6 SECTION 2. IC 16-19-13-6 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2001]: **Sec. 6. (a) As used in this section, "rape crisis center"**
9 **means an organization that provides a full continuum of services,**
10 **including hotlines, victim advocacy, and supportive services from**
11 **the onset of need for services through the completion of healing, to**
12 **victims of sexual assault.**

13 **(b) The sexual assault victims assistance fund is established. The**
14 **office shall administer the fund to provide financial assistance to**
15 **rape crisis centers. The fund must be distributed to a statewide**
16 **nonprofit corporation whose primary purpose is pursuing the**
17 **eradication of sexual violence in Indiana. The nonprofit**
18 **corporation shall allocate the fund among the rape crisis centers.**

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The fund consists of:

- (1) amounts transferred to the fund under IC 33-19-6-18;
- (2) any appropriations to the fund from other sources;
- (3) grants, gifts, and donations intended for deposit in the fund; and
- (4) interest that accrues from money in the fund.

(c) The expenses of administering the fund shall be paid from money in the fund. The office shall designate not more than ten percent (10%) of the appropriation made each year to the nonprofit corporation for program administration.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 3. IC 33-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.
- (2) A marijuana eradication program fee.
- (3) An alcohol and drug services program user fee.
- (4) A law enforcement continuing education program fee.
- (5) A drug abuse, prosecution, interdiction, and correction fee.
- (6) An alcohol and drug countermeasures fee.
- (7) A child abuse prevention fee.
- (8) A domestic violence prevention and treatment fee.
- (9) A highway work zone fee.
- (10) A deferred prosecution fee (IC 33-19-6-16.2).

(11) A sexual assault victims assistance fee.

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50); and
- (2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.



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(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) First, the clerk shall apply the partial payment to general court costs.
- (2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.
- (3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.
- (4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.
- (5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 4. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18. (a) This section applies to criminal actions.**

(b) The court shall assess a sexual assault victims assistance fee of at least two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000) against an individual convicted in Indiana of any of the following offenses after June 30, 2001:

- (1) Rape (IC 35-42-4-1).**
- (2) Criminal deviate conduct (IC 35-42-4-2).**
- (3) Child molesting (IC 35-42-4-3).**
- (4) Child exploitation (IC 35-42-4-4(b)).**
- (5) Vicarious sexual gratification (IC 35-42-4-5).**
- (6) Child solicitation (IC 35-42-4-6).**
- (7) Child seduction (IC 35-42-4-7).**
- (8) Sexual battery (IC 35-42-4-8).**
- (9) Sexual misconduct with a minor as a Class A or Class B**



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- 1 felony (IC 35-42-4-9).
- 2 (10) Incest (IC 35-46-1-3).
- 3 (11) Sexual battery (IC 35-42-4-8).
- 4 (c) The clerk shall transfer a fee collected under this section,
- 5 within thirty (30) days after the fee is collected, to the office of
- 6 women's health established by IC 16-19-13 for deposit by the office
- 7 in the sexual assault victims assistance fund established under
- 8 IC 16-19-13-6.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 2034, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Page 1, line 4, delete "means an organization that provides a" and insert **"has the meaning set forth in IC 16-19-13-6(a)."**

Page 1, delete lines 5 through 7.

Page 1, line 10, after "(a)" insert **"As used in this section, "rape crisis center" means an organization that provides a full continuum of services, including hotlines, victim advocacy, and supportive services from the point of entry through the completion of healing, to victims of sexual assault.**

(b)".

Page 1, line 16, after "centers." insert **"The fund consists of:**

- (1) amounts transferred to the fund under IC 33-19-6-18;**
- (2) any appropriations to the fund from other sources;**
- (3) grants, gifts, and donations intended for deposit in the fund; and**
- (4) interest that accrues from money in the fund."**

Page 1, line 17, delete "(b)" and insert **"(c)".**

Page 2, line 3, delete "(c)" and insert **"(d)".**

Page 2, line 6, delete "(d)" and insert **"(e)".**

Page 2, delete lines 8 through 29, begin a new paragraph and insert:
"SECTION 3. IC 33-19-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-19-6:

- (1) A document fee.**
- (2) A marijuana eradication program fee.**
- (3) An alcohol and drug services program user fee.**
- (4) A law enforcement continuing education program fee.**
- (5) A drug abuse, prosecution, interdiction, and correction fee.**
- (6) An alcohol and drug countermeasures fee.**
- (7) A child abuse prevention fee.**

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(8) A domestic violence prevention and treatment fee.

(9) A highway work zone fee.

(10) A deferred prosecution fee (IC 33-19-6-16.2).

(11) A sexual assault victims assistance fee.

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-14-1-7 requires payment of those fees by the accused person. The pretrial diversion program fee is:

(1) an initial user's fee of fifty dollars (\$50); and

(2) a monthly user's fee of ten dollars (\$10) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, within thirty (30) days after they are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-19-8:

(1) The pretrial diversion fee.

(2) The marijuana eradication program fee.

(3) The alcohol and drug services program user fee.

(4) The law enforcement continuing education program fee.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

(1) First, the clerk shall apply the partial payment to general court costs.

(2) Second, if there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the partial payment for deposit in the appropriate county user fee fund.

(3) Third, if there is money remaining after distribution under subdivision (2), the clerk shall distribute the partial payment for deposit in the state user fee fund.

(4) Fourth, if there is money remaining after distribution under subdivision (3), the clerk shall distribute the partial payment to any other applicable user fee fund.

(5) Fifth, if there is money remaining after distribution under subdivision (4), the clerk shall apply the partial payment to any outstanding fines owed by the defendant.

SECTION 4. IC 33-19-6-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 18. (a) This section applies to criminal actions.**

(b) The court shall assess a sexual assault victims assistance fee

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of at least two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000) against an individual convicted in Indiana of any of the following offenses after June 30, 2001:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a Class A or Class B felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).
- (11) Sexual battery (IC 35-42-4-8).

(c) In determining the amount of the sexual assault victims assistance fee assessed against a person under subsection (b), the court shall consider the person's ability to pay the fee.

(d) The clerk shall transfer a fee collected under this section, within thirty (30) days after the fee is collected, to the office of women's health established by IC 16-19-13 for deposit by the office in the sexual assault victims assistance fund established under IC 16-19-13-6."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 2034 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 10, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 2034 be amended to read as follows:

Page 1, line 11, delete "point of entry" and insert "**onset of need for services**".

Page 4, delete lines 4 through 6.

Page 4, line 7, delete "(d)" and insert "**(c)**".

(Reference is to HB 2034 as printed February 20, 2001.)

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